

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHELLE GALLAWAY, on behalf of
herself and all others similarly situated,

Plaintiff,

vs.

BARCLAYS BANK DELAWARE; and
DOES 1 through 50, inclusive,

Defendant.

CASE NO. 2:15-cv-02003-APG-GWF

ORDER

- (1) CONDITIONALLY CERTIFYING
SETTLEMENT CLASSES;**
- (2) PRELIMINARILY APPROVING THE
CLASS SETTLEMENT;**
- (3) APPOINTING CLASS
REPRESENTATIVES AND CLASS
COUNSEL;**
- (4) APPROVING CLASS NOTICES AND
RELATED MATERIALS;**
- (5) APPOINTING SETTLEMENT
ADMINISTRATOR; AND**
- (6) SCHEDULING FINAL APPROVAL
HEARING.**

On June 9, 2016, a hearing was held on the unopposed motion of plaintiff Michelle Gallaway (“Plaintiff”), for certification of a settlement class in this action, preliminary approval of the parties’ proposed settlement, approval of the notices to be sent to the classes about the settlement and related forms, and the setting of a date for the hearing on final approval of the settlement. Joshua D. Buck of Thierman Buck, LLP appeared for the Plaintiff, and Raymond W. Bertrand of Paul Hastings LLP appeared for defendant Barclays Bank Delaware (“Barclays”).

The Court having read and considered the papers on the motion, the arguments of counsel, and the law, and good cause appearing therefore,

IT IS ORDERED:

1. The Court has jurisdiction over this action and the parties’ proposed settlement under 28 U.S.C. sections 1331 and 1367, as Plaintiff’s complaint was brought under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, and related Nevada wage-and-hour law; the Court has original jurisdiction over Plaintiff’s federal law claims; and the Court has supplemental jurisdiction over Plaintiff’s state-law claims because they arise from the same alleged transactions and occurrences as do Plaintiff’s federal-law claims.

2. The proposed settlement class satisfies the requirements of a collective action settlement class under section 16(b) of the Fair Labor Standards Act, 29 U.S.C. §216(b) because the class members are readily ascertainable and a well-defined community of interest exists in the common questions of law and fact affecting the parties.

3. The following class of persons are certified in this action solely for the purposes of the Settlement:

All persons who worked for Barclays in Nevada, Delaware or Maine in one of the job titles listed as a Covered Position at any time from January 1, 2012 through the date of preliminary court approval of the Settlement.

A “Covered Position” is defined as the job positions eligible to participate in the Settlement that are listed in Addendum A to this Order.

4. The parties' Settlement Agreement (the "Settlement") (Declaration of Joshua D. Buck, Exh. 1) is granted preliminary approval as it meets the criteria for preliminary settlement approval. The Settlement falls within the range of possible approval as fair, adequate and reasonable, and appears to be the product of arm's-length and informed negotiations and to treat all Class Members fairly.

5. The parties' proposed notice plan, with class notices revised per the Court's instructions, is constitutionally sound because individual notices will be mailed to all class members whose identities are known to the parties, and such notice is the best notice practicable. The parties' proposed (i) Notice of Proposed Settlement of Class Action, Conditional Certification of Settlement Class, Preliminary Approval of Settlement, and Hearing Date for Final Court Approval, and (ii) Consent to Join Settlement and Claim Form (*id.*, Exhs. A and B) (the "Class Notice Packets") are sufficient to inform members of the Class of the terms of the Settlement, their rights under the Settlement, their rights to object to the settlement, their right to receive a proportionate Settlement Share or opt-out and not to participate in the Settlement, and the processes for doing so, and the date and location of the final approval hearing, and therefore are approved.

6. Any member of the Class who submits a completed Consent to Join Settlement and Claim Form within 45 days after the date the Settlement Administrator mails the Notice Packet will receive a Settlement Share.

7. Those members of the Class who wish to comment on or opt-out of the Settlement have until 45 days after the mailing of the Class Notice Packet to submit their comments or opt-out notice pursuant to the procedures set forth in the Class Notice.

8. CPT Group, Inc. is appointed to act as the Settlement Administrator, pursuant to the terms set forth in the Settlement.

9. Plaintiff Michelle Gallaway is appointed Class Representative.

10. Mark Thierman and Joshua Buck of Thierman Buck, LLP are appointed Class Counsel.

11. The Class Notice Packet will be disseminated according to the notice plan described in the Settlement Agreement and substantially in the form submitted by the parties. Proof of distribution of notice will be filed by the parties at or prior to the final approval hearing.

12. Barclays is directed to provide the Settlement Administrator as soon as possible using best efforts, and in no event later than 10 days after the date of this order, the Class Data as specified by the Settlement Agreement and Plaintiff's Class Counsel shall provide to the Settlement Administrator any and all information regarding current addresses of class members.

13. The Settlement Administrator is directed to mail the approved Class Notice Packet by first-class mail to members of the respective classes as soon as possible using best efforts, and in no event later than 30 days after receipt of the Class Data from Barclays.


14. A final hearing will be held on September 20, 2016, at 9:00a.m., to determine whether the Settlement should be granted final approval as fair, reasonable, and adequate as to the class members. The Court will hear all evidence and argument necessary to evaluate the Settlement, and will consider the Plaintiffs' Motion for Class Representative Payments, Attorneys Fees and Costs. Class Members and their counsel may support or oppose the Settlement and the motion for awards of the Class Representative Payment and the Class Counsel Fees Payment and Class Counsel Litigation Expenses Payment, if they so desire, as set forth in the Class Notice.

15. Any Class Member may appear at the final approval hearing in person or by his or her own attorney, and show cause why the Court should not approve the Settlement, or object to the motion for awards of the Class Representative Payment and the Class Counsel Fees and Costs. For any comments or objections to be considered at the hearing, the Class Member must file written objections and/or comments with the Clerk of Court indicating briefly the nature of his/her comments, support or objection, and mailed to Class Counsel, not later than 45 days after the date the Settlement Administrator mails the Notice Packet.

16. If no objections or comments are made to the Settlement, the parties may apply to the Court to expedite the date of the final approval hearing. The Court reserves the right to

continue the date of the final approval hearing without further notice to Class Members. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement.

Dated: June 9, 2016.



Hon. Andrew P. Gordon
United States District Judge

ADDENDUM A

[COVERED POSITIONS]

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| <ul style="list-style-type: none"> ▪ RELATIONSHIP MGR ▪ FRAUD DETECTION ANALYST ▪ COLLECTIONS ACCOUNT MGR ▪ CREDIT ANALYST ▪ FRAUD ANALYST ▪ DISPUTES ADVISOR ▪ FRAUD INVESTIGATOR ▪ COLLECTIONS ACCOUNT MGR ▪ CARE RM ▪ RESOLUTION RELATIONSHIP MGR ▪ CREDIT ANALYST I ▪ ESCALATION RM ▪ COLLECTIONS ACCOUNT MGR II ▪ COLLECTIONS SR ACCOUNT MG ▪ FCRA ANALYST ▪ DISPUTES BY PHONE RM ▪ COLLECTIONS OPERATIONS ACCOUNT MGR ▪ COLLECTION OPERATIONS ACCOUNT MGR ▪ PCU ANALYST ▪ DBP RELATIONSHIP MGR ▪ DISPUTE BY PHONE RELATIONSHIP MGR ▪ NV DBP TEAM I ▪ RETENTION RELATIONSHIP MGR ▪ SETTLEMENT/RECONCILEMENT ▪ COLLECTIONS ACCOUNT MGR ▪ SETTLEMENT/RESEARCH/ADJUS ▪ SPECIALTY ACCOUNT MGR ▪ SENIOR COLLECTIONS ACCOUNT MGR III ▪ FRAUD DETECTIONS ANALYST ▪ HELP DESK ANALYST ▪ INVESTIGATIONS ANALYST ▪ SETTLEMENT RESEARCH ADJUSTMENT ADVISOR | <ul style="list-style-type: none"> ▪ COLLECTIONS ACCOUNT SPECIALIST ▪ RESOLUTION MGR ▪ COLLECTIONS SR ACCOUNT MGR III ▪ SPECIALTY ACCOUNT MGR ▪ SETTLEMENT SUPPORT ADVISOR ▪ COLLECTIONS SR. ACCOUNT MGR III ▪ SETTLEMENT RESEARCH ADVISOR ▪ EXECUTIVE SPECIALIST ▪ DISPUTES ADVISORS ▪ COLLECTIONS ACCOUNT MGR III ▪ DELAWARE PAYMENTS ANALYST ▪ SETTLEMENT/RESEARCH/ADJUST ADV ▪ SETTLEMENT/RESEARCH/REWARDS ADV ▪ SETTLEMENT RECONCILIATION ADVISOR ▪ SETTLEMENT/RECONCILEMENT ADVISORY ▪ DISPUTE ADVISOR ▪ PROCESSING SUPPORT SPECIALIST ▪ FRAUD DETECTION SR ANALYST ▪ COLLECTIONS SR ACCOUNT MGR III ▪ HELP DESK ANALYST ▪ COLLECTOR I ▪ RELATIONSHIP MGR SR ▪ SR QUALITY ANALYST - COLLECTIONS ▪ SETTLEMENT/RESEARCH/REWARDS ADVISOR ▪ COLLECTOR III ▪ RETAIL FRAUD ANALYST ▪ COLLECTIONS EXECUTIVE ACCOUNT SPECIALIST 2 |
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- SR SPECIALTY ACCOUNT MGR
- SPECIALTY SR. ACCOUNT MGR
- SETTLEMENT RECONCILIATION ADVISOR
- COLLECTIONS EXECUTIVE
- EXEC OFFICE RELATIONSHIP
- DELAWARE INVESTIGATIONS ANALYST
- COLLECTIONS SR ACCOUNT MGR III
- ACCOUNT MGR II
- CREDIT RISK SR. ANALYST
- ADJUSTMENT REWARDS ADVISOR
- BCUS -
SETTLEMENT/RESEARCH/ADJUST ADV
- COLLECTIONS ACCOUNT MGR III
- SETTLEMENT/ADJUSTMENT/REWARDS ADVISOR
- COLLECTIONS ACCOUNT MGR III
- SETTLEMENT
RESEARCH/ADJ./REWARDS ADVISOR
- CREDIT ANALYST II
- PCU SENIOR ANALYST
- BLR (LL BEAN EMAIL REP)
- SR. RELATIONSHIP MGR
- RETENTION SALES SPECIALIST
- ACCOUNT MGR I
- SETTLEMENT ADVISOR
- DISPUTES COACH
- FRAUD DETECTION ANALYST
- CUSTOMER SUPPORT ACCOUNT MGR II
- COLLECTION OPERATIONS ACCOUNT MGR II
- DELAWARE SANCTIONS ANALYST
- SETTLEMENT/RESEARCH/ADJUST/REWARDS ADVIS
- COLLECTIONS UAT/QA ANALYST
- HELP DESK SR ANALYST
- COLLECTIONS ACCOUNT EXECUTIVE
- E-MAIL RELATIONSHIP MGR
- FINANCIAL CRIMES ANALYST
- SR. CREDIT ANALYST
- FRAUD INVESTIGATOR SR
- COMMUNITY RELATIONS ADVISOR
- DBP
- FRAUD INVESTIGATOR TEAM MGR
- SETTLEMENT/RECONCILEMENT ADVISORY
- SR. FRAUD QUALITY ANALYST
- FRAUD DETECTIONS TEAM MGR
- FRAUD INVESTIGATION TEAM MGR
- CUSTOMER SUPPORT ACCOUNT MGR
- COLLECTOR III
- SENIOR CREDIT ANALYST
- CREDIT RISK ANALYST